

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America)

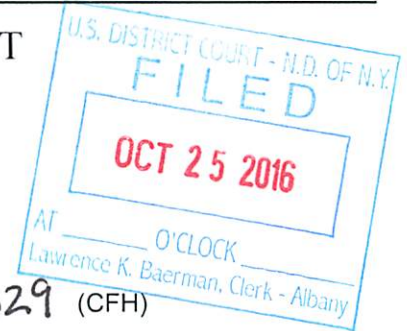
v.)

Robert Twiss, d/o/b xx/xx/1958)

Case No.)

1:16 MJ 529 (CFH))

Defendant(s)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 24, 2016 in the county of Greene in the
Northern District of New York, the defendant(s) violated:

Code Section

18 U.S.C. 922(g)(1)

Offense Description

Possession of a Firearm by a Prohibited Person (Felon)

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

FBI S/A Andrew J. Zubik

Printed name and title

Sworn to before me and signed in my presence.

Date: October 25, 2016

Judge's signature

City and state: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ALBANY)

I, Andrew J. Zubik, being duly sworn, depose and state that:

Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since February 2016. I am assigned to the FBI Albany Division, Albany, New York, and previously was an Assistant Vice President at PNC Bank. I have investigated a variety of federal violations pertaining to domestic and international terrorism and currently I am focused on investigating federal violations concerning domestic terrorism. I have experience regarding these federal violations through my daily investigative responsibilities and extensive training.
2. In accordance with my present duties, I make this affidavit in support of a criminal complaint charging Robert Twiss with a violation of Title 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm.
3. I make this affidavit from personal knowledge based on my participation in this investigation, and review of reports by myself and/or other law enforcement agents, communication with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

Background on Robert Twiss

4. Robert Twiss is a 58 year old male who has been a longtime resident of the Northern District of New York.¹ Twiss has a rather lengthy criminal history that includes multiple arrests, four misdemeanor convictions, and one felony conviction. Twiss' felony record includes a January 26, 1981 conviction in Warren County Court to one count of Third Degree Burglary in violation of New York State Penal Law § 140.20 (a class D felony).²

Details of the Investigation

5. In 2015 FBI Albany opened an investigation of Robert Twiss based upon information that he was forming, or had formed, a militia based in Greene County that had plans to engage in

¹ Twiss currently lives in Earlton, New York which is located in Greene County.

² On October 31, 1982, Twiss received a Certificate of Relief from Disabilities from the State of New York, however, this Certificate did not restore firearm privileges.

acts of violence.³ In connection with the investigation, a Confidential Human Source (CHS) was introduced into the investigation.⁴ The CHS posed as an individual interested in learning more about the plans of Twiss' militia. Since about the summer of 2015, the CHS has had a number of face-to-face meetings with Twiss (including meetings at Twiss' Greene County residence) and has communicated with Twiss electronically, including via Facebook.

6. On August 22, 2015, Twiss held a meeting at his Greene County residence in order to discuss plans for his militia. The CHS and at least two other individuals attended this meeting. The meeting was consensually recorded by the CHS. During the meeting Twiss said that he "can get guns all day long" and that his "M-1" will "fire just fine" as long as it is free from dirt and debris.⁵ A little bit later in this meeting, Twiss said that he viewed himself as a "resistance fighter" and that if some type of Armageddon was to happen, he would go into the City of Albany and "take up arms" against the "tyranny". Twiss also told the CHS that he knew where the Albany "Joint Terrorism Task Force" was located, that it had a metal fence surrounding it, but that Twiss could "reach it with a fuckin' Molotov launcher" if needed.
7. On February 7, 2016, Twiss held a meeting at Hampton Manor Park, East Greenbush, New York to discuss more plans for his militia. The CHS and at least one other individual attended this meeting. The meeting was consensually recorded by the CHS. During the meeting Twiss and the other attendees described their respective backgrounds. After one of the attendees said that he target practiced at a particular range in the NDNY, Twiss said that he has "one rifle." Twiss also talked about explosives, specifically, how he, if necessary, could make improvised explosives: "I am the weapon. I can make anything into a weapon and I mean anything. My forte is liquid flammables. It doesn't matter whether it's compressed gas or if it's gasoline in a can from the gas station or the diesel kerosene with gasoline." A little bit later in the meeting, Twiss boasted how he could make home-made Tannerite by mixing various chemicals together.
8. On March 5, 2016, Twiss held another meeting at his Greene County residence in order to discuss additional plans for his militia. The CHS and at least one other individual attended this meeting. The meeting was consensually recorded by the CHS. During the meeting the group talked about firearms generally, and then Twiss said that his "M-1 looks like an M-4

³ Twiss' efforts to form his own militia seem to stem in part from his less than amicable separation from a previous militia. On August 22, 2015, Twiss was recorded as saying that his former militia mates should be scared of him: "they're scared of me and I don't give a fuck. They damn well better be scared of me 'cause I'm not just some shit talker. I mean what I say, I say what I mean, and I don't give a fuck who likes it." A little later in the same conversation, Twiss said "I'm not a dangerous extremist, but I am extremely dangerous. There's a difference . . . as you can see this is my mindset."

⁴ The identity of the CHS is available to the Court upon request. The CHS does not have a criminal history, although the CHS is being compensated for his efforts.

⁵ Upon information and belief, Twiss' mention of an "M-1" is in reference to a M-1 carbine rifle believed to be in Twiss' possession. The Plainfield Machine Company, Inc. (hereinafter "Plainfield") is a manufacturer of M-1 carbine rifles. Plainfield manufactures its rifles in the State of New Jersey.

... it's like this big." A little later in this same conversation Twiss said that he does not usually take the rifle with him when he travels, but that from time to time he will "take it [the M-1] out and fire a few rounds." During this same meeting, Twiss again boasted about his ability to make improvised explosives: "I can take that propane tank and fill it up. Okay? And I can go out and get some one foot rebar, tape it all around there. Okay? And I can put some Tannerite there and I can shoot that motherfucker and make the world come to an end for a bunch of people . . . [o]ne bullet in that, I can kill about forty people." A little bit later in the meeting, Twiss again talked about an Armageddon like scenario in which he would have to destroy the FEMA building he believed existed in Albany: "I know where the FEMA center is, I know where their back-up generator is and I know where their nearest substation is. Okay? I know where all their telephones are. Okay? And I know where the fuckin' nearest, uh, microwave unit is. Why do I know where all that stuff is? 'Cause if I'm gonna take it, if I'm gonna cripple them I need to cripple all that shit."

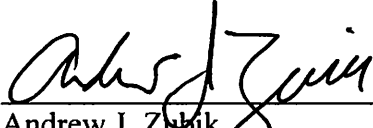
9. On August 21, 2016, the CHS met Twiss at Twiss' Greene County residence. The purpose of the meeting was, generally, for Twiss to show the CHS some survivalist type projects on which Twiss was actively working. The meeting was consensually recorded by the CHS. During the meeting Twiss and the CHS discussed shooting Twiss' M-1 rifle. Twiss agreed to meet the CHS at a later date and shoot his M-1 rifle if the CHS would provide the ammunition to be fired.
10. On September 1, 2016, I viewed the publicly viewable portion of Twiss' Facebook account (Facebook User ID 100003716865558). Twiss' Facebook account contained a photograph of Twiss, standing in front of what appears to be the flagpole in his yard, holding what appears to be a M-1 carbine rifle. The date of the photograph is unknown, although comments posted by other Facebook users with respect to the aforementioned photograph are dated in December 2013.
11. On September 9, 2016, the CHS met Twiss at Twiss' Greene County residence. The CHS brought 50 rounds of ammunition to the meeting. The purpose of the meeting was for Twiss and the CHS to shoot Twiss' M-1 carbine rifle using the 50 rounds of ammunition provided by the CHS. The meeting was consensually recorded by the CHS. While at Twiss' residence, the CHS was escorted to a table in Twiss' yard. On the table was Twiss' rifle, which appeared to be a M-1 carbine. Twiss and the CHS then went to a wooded area (likely off of Twiss' property) and fired Twiss' rifle using the 50 rounds of ammunition provided by the CHS. Once all of the rounds had been fired, Twiss and the CHS returned to Twiss' yard wherein they went inside of one of Twiss' sheds and discussed some of his projects.

The October 24, 2016 Search of Twiss' Residence and Premises

12. On October 24, 2016, a federal search warrant was executed at Twiss' Greene County residence / premises. Investigators were authorized to search for, and seize, among other

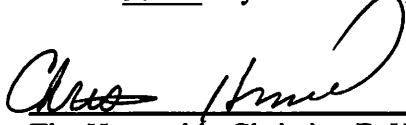
things, firearms and ammunition. During the search, a Plainfield M-1 rifle, bearing serial number 11875 was recovered from one of the sheds/outbuildings on Twiss' property.

13. Upon information and belief, Plainfield rifles are manufactured in the State of New Jersey.
14. Therefore, based upon my experience, training, and the totality of circumstances in the above information, there is probable cause to believe that on October 24, 2016, Robert Twiss, a previously convicted felon, did knowingly and unlawfully possess the firearm described in paragraph 12, and that said firearm had been shipped or transported in interstate or foreign commerce.



Andrew J. Zubik
Special Agent, FBI

Sworn and subscribed to before me
on this 25 day of October, 2016.



The Honorable Christian F. Hummel
United States Magistrate Judge
Northern District of New York